



JC8893 PATENT 04 DEC 2001 CT

PATENT  
0020-4863P

IN THE U.S. PATENT AND TRADEMARK OFFICE

RECEIVED  
10 DEC 2001  
Legal staff  
International Division  
Unassigned

APPLICANT: Tatsuo NAKADA et al. Conf. No.:  
SERIAL NO.: 09/831,598 GROUP:  
FILED: May 11, 2001 EXAMINER: Unassigned  
FOR: AZEOTROPIC COMPOSITION OF 1,1,1,3,3-  
PENTAFLUOROPROPANE AND 1,1,1-TRIFLUORO-3-CHLORO-2-  
PROPENE PROCESS OF SEPARATION

**PETITION UNDER 37 C.F.R. 1.181 REQUESTING ACKNOWLEDGMENT  
OF EARLIER DECLARATION FILING DATE**

Honorable Commissioner of Patents  
Washington, D.C. 20231

December 4, 2001

Sir:

This is a Petition under 37 C.F.R. § 1.181 requesting that the USPTO acknowledge that the Declaration/Power of Attorney form signed by the Inventors was filed on June 6, 2001.

A USPTO Communication dated November 2, 2001 (issued by Mr. Bryan Tung of the PCT Legal Office) (copy enclosed) states that upon the filing of a Petition under 37 C.F.R. § 1.181 submitting a copy of the stamped return postcard receipt for filing the Declaration/Power of Attorney form on June 6, 2001, the USPTO will reconsider changing the presently acknowledged filing date of the Declaration from July 17, 2001 to June 6, 2001. In accordance with this Communication, enclosed is a copy of the stamped return postcard receipt which indicates that along with the Letter filed June 6, 2001 (copy enclosed), the "Executed Declaration" was also filed. Therefore, it is requested that the USPTO issue an appropriate Communication confirming that the acknowledged filing

date of the Declaration will be changed in the official records to June 6, 2001.

If any additional questions arise concerning these matters, please contact Applicants' representative, Andrew D. Meikle, in the Washington Metropolitan area at the telephone number listed below.

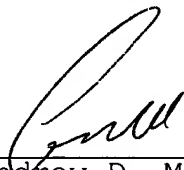
No fees are required for the filing of this Petition as noted at page 2 of the USPTO Communication dated November 2, 2001.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Andrew D. Meikle  
Reg. No. 32,868

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

ADM/bsh  
enclosures:

USPTO Communication of November 2, 2001  
Letter filed June 6, 2001  
Stamped postcard return receipt dated June 6, 2001



BOX PCT  
PATENT  
0020-4863P

IN THE U.S. PATENT AND TRADEMARK OFFICE

COPY

APPLICANT: NAKADA Tatsuo et al.  
INTERNATIONAL APPL. NO.: PCT/JP99/06255  
APPL. NO.: 09/831,598  
Conf.: UNASSIGNED  
FILED: May 11, 2001  
FOR: AZEOTROPIC COMPOSITION OF  
1,1,1,3,3-PENTAFLUOROPROPANE  
AND 1,1,1,-TRIFLUORO-3-CHLORO-  
2-PROPENE, PROCESS OF  
SEPARATION AND PURIFICATION  
USING THE SAME, AND PROCESS  
FOR PRODUCTION OF 1,1,1,3,3-  
PENTAFLUOROPROPANE AND PROCESS  
FOR PRODUCTION OF 1,1,1-  
TRIFLUORO-3-CHLORO-2-PROPENE

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR  
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

**BOX PCT**

Assistant Commissioner for Patents  
Washington, DC 20231

June 6, 2001

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- ☒ Executed Declaration and Power of Attorney.
- ☒ Original ☐ Photocopy
- ☐ The specification attached to the executed Declaration

and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on May 11, 2001, including any amendments thereto (if applicable) filed on even date therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 0020-4863P" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/831,598 filed on May 11, 2001 entitled "AZEOTROPIC COMPOSITION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND 1,1,1,-TRIFLUORO-3-CHLORO-2-PROPENE, PROCESS OF SEPARATION AND PURIFICATION USING THE SAME, AND PROCESS FOR PRODUCTION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND PROCESS FOR PRODUCTION OF 1,1,1-TRIFLUORO-3-CHLORO-2-PROPENE."

☐ English language specification, claims, and Abstract with ( ) sheets of drawings.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

☐ Attached is a copy of Form PCT/DO/EO/905.

☐ \_\_\_\_\_  
\_\_\_\_\_

☒ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the

filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant(s) hereby respectfully petitions for ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 11, 2001.

- ☒ Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- ☐ A check in the amount of \$0.00 to cover the above-mentioned fees is enclosed.
- ☐ A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Weikle, #32,868

ADM/cng  
0020-4863P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 265-8000

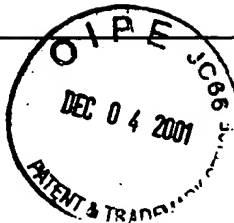
Attachments

(Rev. 01/22/01)

NOV 02 2001



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

COPY

Birch, Stewart, Kolasch & Birch, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747

DOCKETED  
Petition  
1-2-02

In re Application of NAKADA et al  
U.S. Application No.: 09/831,598  
Int. Application No.: PCT/JP99/06255  
Int. Filing Date: 10 November 1999  
Priority Date: 13 November 1998  
Attorney Docket No.: 0020-4863P  
For: AZEOTROPIC COMPOSITION....

COMMUNICATION

This is in response to applicants' "Letter Submitting Additional Documents for Entering National Phase For a PCT Application" filed 06 June 2001 and "Letter" filed 17 July 2001.

### BACKGROUND

On 10 November 1999, applicants filed international application PCT/JP99/06255, which claimed priority of an earlier Japan application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2001, applicants filed a letter which states that it is accompanied by an executed declaration.

On 06 July 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 July 2001, applicants filed a letter which states that it is accompanied by a copy of the declaration purportedly filed on 06 June 2001.


**DISCUSSION**

A review of the application file indicates the absence of any declaration filed on 06 June 2001. The declaration filed 17 July 2001 is in compliance with 37 CFR 1.497 and thus is a proper response to the Notification of Missing Requirements mailed 06 July 2001.

**CONCLUSION**

Based on the 17 July 2001 filing date of the declaration, the application has a date under 35 U.S.C. 371 of 17 July 2001. If applicants believe they are entitled to an earlier date, a response to this communication must be filed within TWO (2) MONTHS from the mail date of this letter. A proper response would be a petition under 37 CFR 1.181 to treat the declaration as having been filed on 06 June 2001 along with a copy of a stamped return postcard receipt. No petition fee is due.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459



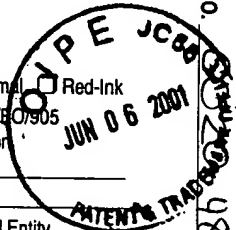


COPY

Papers Filed herewith on: June 6, 2001 **49**  
DOCKET NO.: 0020-4863P ATTY.: ADM  
APPLICANT(S): NARADA, Tatsuo et al.  
APPLN. NO: 09/831,598 FILED: May 11, 2001  
PAT NO.:

- ☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.53(d) (CPA)  
☐ Filing Under 37 CFR 1.114(RCE)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Combined Declaration & Power of Attorney  
☒ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink  
☐ Completion of Filing Requirements, PCT/DO/BO/905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment: \_\_\_\_\_  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☐ Information Discl Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal  
☒ FEES: 40.00  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: \_\_\_\_\_  
Handcarry: \_\_\_\_\_

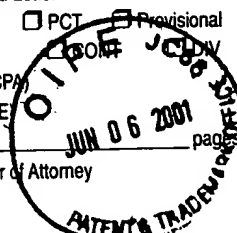


DOCKET NO. 0020-4863P

Papers Filed herewith on: June 6, 2001 **50**  
DOCKET NO.: 0020-4863P ATTY.: ADM  
APPLICANT(S): NARADA, Tatsuo et al.  
APPLN. NO: 09/831,598 FILED: May 11, 2001  
PAT NO.:

- ☐ New Application with Transmittal Letter  
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or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment: \_\_\_\_\_  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☐ Information Discl Stmt. PTO-1449(s) \_\_\_\_\_ ref(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal  
☒ FEES: prepaid 5/11/01  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: July 11, 2001  
Handcarry: \_\_\_\_\_



DOCKET NO. 0020-4863P